



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

ELM  
F. #2015R01787

*271 Cadman Plaza East  
Brooklyn, New York 11201*

August 1, 2017

By Hand and ECF

The Honorable Dora L. Irizarry  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Dan Zhong and Landong Wang  
Criminal Docket No. 16-614 (DLI)

Dear Chief Judge Irizarry:

I am assigned to the government's filter team in the above-captioned matter and am not involved in the government's prosecution team. I write, pursuant to the Court's July 25, 2017 Order, to provide a proposed review and production schedule for the potentially privileged documents collected or seized by the government during the course of its investigation in the above-captioned matter (the "Filter Review Materials").

To summarize previous submissions, the Filter Review Materials are currently comprised of: (1) returns of search warrants executed at email service providers, including approximately 290,000 emails, plus attachments; (2) data collected from electronic devices (including approximately 16 cell phones, three tablets, eight computers, and five portable memory devices) seized pursuant to search warrants; and (3) hard copy documents seized pursuant to search warrants. The government filter team proposes the following schedule:

**I. Review and Production of Emails**

**A. Emails Sent or Received by Defendant Dan Zhong**

To date, the government filter team has made two productions of emails sent to or received by the email account associated with the address "zhongdan515@msn.com" (the "Zhong Email Account"):

- On May 24, 2017, the government filter team produced all records pertaining to the Zhong Email Account received from Microsoft as the

result of a search warrant. This production contained approximately 14,950 documents. As this production may have contained privileged attorney-client communications, it has not been provided to the prosecution team.

- On July 12, 2017, the government filter team produced approximately 2,207 documents, consisting of emails sent or received by the Zhong Email Account that were obtained pursuant to judicially authorized searches of other email accounts. This production was in addition to the 14,950 Zhong Email Account documents produced on May 24, 2017. As this production contained privileged attorney-client communications, it has not been provided to the prosecution team.

The government filter team is continuing its review of emails sent to and received by the Zhong Email Account that were seized pursuant to judicially-authorized searches of other email accounts. On or before August 8, 2017, the filter team will produce to defendant Dan Zhong the remaining emails sent to or from the Zhong Email Account that are in the filter team's possession. This upcoming production may contain attorney-client communications and will not be shared with the prosecution team until it has been reviewed by the government filter team.

#### **B. All Other Emails**

The filter team has tailored, and will continue to tailor, its review of emails that were not sent or received by the Zhong Email Account (the "Other Emails") in order to prioritize the review of Filter Review Materials that are most likely to contain relevant and discoverable information by prioritizing its review through the application of search terms. To date, the first level filter review team has completed the review of approximately 24,500 Other Emails.<sup>1</sup> The first level filter review team has identified approximately 22,000 emails, plus attachments, as not privileged. Approximately 565 emails, plus attachments were identified as potentially privileged, and approximately 1,926 emails, plus attachments, were identified as foreign language documents in need of review by foreign language specialists.

The filter team will complete a quality control review of the approximately 22,000 emails designated not privileged by first level reviewers by August 11, 2017. At that time, the filter team will provide all non-privileged documents to the prosecution team, so

---

<sup>1</sup> At the time of the government filter team's July 24, 2017 status letter, the government filter team had identified approximately 13,000 emails, plus attachments, as not privileged upon first level review. The first level review team has identified approximately 10,500 additional non-privileged emails, plus attachments, since July 24, 2017. As the government filter team becomes more familiar with the case and the Filter Review Materials, the pace of its review has accelerated, and the filter team anticipates that the pace of review will continue to accelerate.

that the prosecution team can review the documents to determine whether they are discoverable. The filter team understands that the prosecution team intends to prioritize its own review of non-privileged materials through the application of search terms designed to identify those documents most likely to contain relevant and discoverable information and will produce those discoverable materials to the defendant on a rolling basis.

The filter team will continue its first level review, and corresponding quality control review, of the Other Emails, and will provide the non-privileged emails and attachments to the prosecution team on a rolling basis.

## **II. Review and Production of Other Electronic Media**

The Federal Bureau of Investigation's Computer Analysis Response Team ("CART") has continued to analyze and process the other electronically stored information (the "Non-Email ESI") seized in connection with the government's investigation. To date, in addition to the returns on search warrants issued to email providers, CART has processed the following digital media for review: two tablets, seven computers, eleven cell phones, and three portable memory devices. A small number of electronic devices – including one tablet, one computer, five cell phones, and two portable memory devices – are still being processed by CART.

The filter team anticipates that the remaining Non-Email ESI will be processed and added to the filter team's review platform on a rolling basis, and in any event, before September 6, 2017. The filter team proposes to provide a review schedule for Non-Email ESI at the upcoming September 6, 2017, status conference. The filter team will prioritize the review of Non-Email ESI through the application of search terms, and will provide non-privileged Non-Email ESI to the prosecution team for review and production on a rolling basis. In the interim, the filter team will continue its priority review of emails and attachments.

## **III. Review and Production of Hard Copy Documents**

The government filter team will complete its review of all hard copy Filter Review Materials, seized pursuant to search warrants, before the September 6, 2017 status conference.

The government filter team anticipates that, by the time of the September 6, 2017 status conference, it will be able to provide an additional updates regarding the review of all remaining Filter Review Materials, and respectfully submits the interim schedule proposed above.

Respectfully submitted,

BRIDGET M. ROHDE  
Acting United States Attorney

By: /s/ Elizabeth L. Macchiaverna  
Elizabeth L. Macchiaverna  
Assistant U.S. Attorney  
(718) 254-6351

cc: Clerk of Court (DLI) (by ECF and Hand)  
Defense Counsel (by ECF)